



DÁIL ÉIREANN

BILLE AN ÚDARÁIS UM ARD-OIDEACHAS, 2022 HIGHER EDUCATION AUTHORITY BILL 2022

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

DÁIL ÉIREANN

BILLE AN ÚDARÁIS UM ARD-OIDEACHAS, 2022 —AN TUARASCÁIL

HIGHER EDUCATION AUTHORITY BILL 2022 —REPORT

Leasuithe Amendments

1. In page 11, between lines 23 and 24, to insert the following:

“WHEREAS it is proposed to enhance the role of the Higher Education Authority;

AND WHEREAS the furtherance of the interests of students, designated institutions of higher education, and their staff require the advancement of reforms in key areas;

AND WHEREAS designated institutions of higher education have a role in society which is distinct from that of other organisations in the wider public service;

AND WHEREAS the principles of academic freedom and autonomy are the bedrock of a functioning designated institution of higher education;

AND WHEREAS designated institutions of higher education through their expertise and their independence are of intrinsic value to society and to the country;

AND WHEREAS designated institutions of higher education recognise the need for a sound statutory basis for the oversight and accountability of the higher education sector in the State;

AND WHEREAS no provision of this Act shall seek to unduly infringe on the autonomy of designated institutions of higher education;

AND WHEREAS protecting the capacity of individual designated institutions of higher education to maintain their distinct mission is of fundamental importance;”.

—Aodhán Ó Ríordáin.

2. In page 11, line 28, to delete “the Higher Education Authority Act” and substitute “Údarás um Ard-Oideachas Act”.

—Rose Conway-Walsh.

3. In page 11, line 29, after “Act” to insert “, other than *sections 85, 86, 87, 95, 97, 98, 99, 100, 101, 102, 103* and 105***”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

[This is a reference to a section proposed to be inserted by Amendment No. 117.]

[This reference is correct if Amendment No. 117 is accepted.]

4. In page 12, between lines 10 and 11, to insert the following:

“ “Act of 2011” means the Student Support Act 2011;”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

5. In page 12, between lines 32 and 33, to insert the following:

“ “Gaeltacht Language Planning Area” has the meaning it has in Part 2 of the Gaeltacht Act 2012;

“Gaeltacht Service Town” has the meaning it has in Part 2 of the Gaeltacht Act 2012;”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

6. In page 13, between lines 5 and 6, to insert the following:

“ “Irish Language Network” has the meaning it has in Part 2 of the Gaeltacht Act 2012;”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

7. In page 13, between lines 33 and 34, to insert the following:

“(3) In this Act, references to environmental development and sustainability shall be construed as references to development and actions that meet the needs of the present without compromising the ability of future generations to meet their own needs and, without prejudice to the generality of the foregoing, including actions in respect of social, economic, cultural and environmental development, climate and biodiversity.”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

8. In page 14, to delete lines 13 and 14 and substitute the following:

“5. (1) The enactments specified in *Part 1 of Schedule 1* are repealed to the extent specified in *column (3)* of that Part of that Schedule and the enactments specified in *Part 2* of that Schedule are revoked to the extent specified in *column (3)* of that Part of that Schedule.”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

9. In page 14, between lines 28 and 29, to insert the following:

“Autonomy of institutions of higher education

7. For the avoidance of doubt, nothing in this Act shall be construed as impinging upon—

(a) the autonomy of a designated institution of higher education,

- (b) the continued operation of the comply or explain principle which shall operate in respect of the compliance by each designated institution of higher education with any guideline, code or policy issued under *section 139* as a precursor to the exercise of powers provided for under *Part 8*.”.

—Rose Conway-Walsh.

10. In page 15, between lines 25 and 26, to insert the following:

“(b) to protect and enhance the public nature of the higher education system;”.

—Rose Conway-Walsh.

11. In page 15, between lines 34 and 35, to insert the following:

“(e) to ensure decent pay and good working conditions for academic (including PhD researchers) and non-academic staff in designated institutions of higher education;

—Rose Conway-Walsh.

12. In page 15, between lines 34 and 35, to insert the following:

(e) to support designated institutions of higher education in contributing to sustainable development, climate and biodiversity action, through research, innovation, leadership and governance;”.

—Rose Conway-Walsh.

13. In page 15, after line 39, to insert the following:

“(h) to promote the attainment of the national aims of restoring the Irish language and preserving and developing the national culture, including by promoting teaching, learning and research across the wide diversity of disciplines at higher level through the medium of Irish.”.

—Rose Conway-Walsh.

14. In page 16, between lines 3 and 4, to insert the following:

“Academic freedom

9. Nothing in this Act shall be construed as modifying or restricting the principle of academic freedom as provided for in section 14 of the Universities Act 1997.”.

—Aodhán Ó Ríordáin.

15. In page 16, between lines 9 and 10, to insert the following:

“(c) support and recognise the application of the principle of academic freedom;”.

—Aodhán Ó Ríordáin.

16. In page 16, to delete lines 21 and 22 and substitute the following:

“Language Planning Areas, Gaeltacht Service Towns and Irish Language Networks, and outside of such Areas, Towns and Networks, with regard to the promotion and use of the Irish language.”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

17. In page 17, line 4, after “frameworks” to insert the following:

“and to support the autonomy and decision-making capacity of designated institutions of higher education”.

—Aodhán Ó Ríordáin.

18. In page 17, between lines 6 and 7, to insert the following:

“(n) to freely express its views on matters concerning the higher education sector,”.

—Aodhán Ó Ríordáin.

19. In page 17, between lines 9 and 10, to insert the following:

“(o) advise the Minister in relation to the adequacy of the level of public funding that is made available for higher education and to advise on future funding requirements,”.

—Aodhán Ó Ríordáin.

20. In page 17, line 10, to delete “higher education” and substitute “a well-resourced public higher education system”.

—Rose Conway-Walsh.

21. In page 17, line 17, after “the” where it secondly occurs to insert “promotion of cross border”.

—Rose Conway-Walsh.

22. In page 17, line 32, after “information” to insert the following:

“, including specific information on the funding for, and numbers engaged in, study and research through the medium of Irish,”.

—Rose Conway-Walsh.

23. In page 18, between lines 32 and 33, to insert the following:

“(4) The Minister may publish guidelines issued by him or her under *subsection (1)* in such manner as he or she considers appropriate.”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

24. In page 18, between lines 32 and 33, to insert the following:

“Direction and guidelines to be published

13. The Minister shall cause to be laid before each House of the Oireachtas and to be published on the Minister’s website—

(a) any direction issued under *section 11*, and

(b) any guidelines issued under *section 12*.”.

—Aodhán Ó Ríordáin.

25. In page 20, between lines 21 and 22, to insert the following:

“(c) Not less than one of the persons appointed under *paragraph (a)* shall be a trade union representative of non-academic staff in the sector, nominated by the relevant trade union(s).”.

—Rose Conway-Walsh.

26. In page 20, between lines 21 and 22, to insert the following:

“(c) Not less than one of the persons appointed under *paragraph (a)* shall be representative for the interests of the Gaeltacht, Irish speaking community, and Irish medium education sector, nominated by the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media on the agreed advice of Foras na Gaeilge, Údarás na Gaeltachta, and An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta.”.

—Rose Conway-Walsh.

27. In page 20, between lines 21 and 22, to insert the following:

“(c) Not less than one of the persons appointed under *paragraph (a)* shall be a trade union representative of academic staff in the sector, nominated by the relevant trade union(s).”.

—Rose Conway-Walsh.

28. In page 21, between lines 8 and 9, to insert the following:

“(11) The Joint Oireachtas Committee responsible for matters relating to the Irish language shall, no earlier than four years and no later than five years following the establishment of An tÚdarás, examine the representation of the Irish speaking community among Ministerial appointments to the positions on the Board of, and in other roles on, the Higher Education Authority, and prepare and publish a report on the benefits and feasibility of introducing quotas to ensure equitable representation for Irish speakers to such positions based on their findings.”.

—Rose Conway-Walsh.

29. In page 22, line 21, to delete “National Apprenticeship Office” and substitute “Oifig na bPrintíseachtaí”.

—Rose Conway-Walsh.

30. In page 25, line 8, after “report” to insert “under *section 23*”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

31. In page 28, to delete lines 35 to 38.

—Rose Conway-Walsh.

32. In page 29, to delete lines 33 to 38, and in page 30, to delete lines 1 to 26 and substitute the following:

“30. Notwithstanding the repeal of the Higher Education Authority Act 1971 by *section 5(1)*, a person who was an officer or servant of An tÚdarás appointed under *section 14(1)* of that Act, immediately before the commencement of *section 7* shall be deemed to be a member of the staff of An tÚdarás—

(a) as if, on that commencement, An tÚdarás had appointed under *section 29(1)* the person to be a member of the staff of An tÚdarás for the remaining period (if any) that was left to run for the person to hold office as such officer or servant, as the case may be, immediately before that commencement, and

(b) on the same conditions (including those relating to termination of appointment) as the person held office as such officer or servant, as the case may be, immediately before that commencement,

and the other provisions of this Act shall be construed accordingly.”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

33. In page 32, between lines 21 and 22, to insert the following:

“(c) the funding status of individual designated institutions of higher education,”.

—Aodhán Ó Ríordáin.

34. In page 32, to delete lines 24 to 36, and in page 33, to delete lines 1 to 6 and substitute the following:

“(5) The Minister shall, for the purpose of preparing a strategy, consult with—

(a) representatives of students attending designated institutions of higher education,

(b) designated institutions of higher education or their representative bodies, and

(c) such other bodies or persons as the Minister considers appropriate.”.

—Aodhán Ó Ríordáin.

35. In page 33, line 30, after “discipline” to insert “and their language of instruction”.

—Rose Conway-Walsh.

36. In page 34, line 6, after “environmental” to insert “development and”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

37. In page 34, to delete lines 9 and 10 and substitute the following:

“(ix) social, economic and cultural requirements, including the requirements in higher education for the promotion and use of the Irish language of students who are enrolled in primary schools and post-primary schools which provide education through the medium of the Irish language, with particular regard to

such schools in or serving Gaeltacht Language Planning Areas, Gaeltacht

Service Towns and Irish Language Networks, and”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

38. In page 34, line 26, after “environmental” to insert “development and”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

39. In page 34, to delete lines 29 and 30 and substitute the following:

“(m) social, economic and cultural requirements, including the requirements in higher education for the promotion and use of the Irish language of students who are enrolled in primary schools and post-primary schools which provide education through the medium of the Irish language, with particular regard to such schools in or serving Gaeltacht Language Planning Areas, Gaeltacht Service Towns and Irish Language Networks, and”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

40. In page 34, between lines 31 and 32, to insert the following:

“(5) An tÚdarás shall plan for the progressive increase of opportunities to study and conduct research through the medium of Irish with a view to meeting the educational and skills needs of Gaeltacht communities, Irish speakers nationwide, institutions of the European Union, and of public bodies subject to the 20 per cent recruitment target set out in section 18C(3)(b) of the Official Languages Act 2003, and make recommendations to the Minister on the provision of Irish medium education within the overall higher education system, support.”.

—Rose Conway-Walsh.

41. In page 34, to delete lines 33 to 35, and in page 35, to delete lines 1 and 2 and substitute the following:

“**35.** (1) An tÚdarás shall prepare a performance framework for the higher education and research system (in this section referred to as a “performance framework”) at intervals of not less than once every 5 years and may publish the performance framework in such manner as it considers appropriate.

(2) An tÚdarás shall, for the purpose of preparing a performance framework, consult with—

- (a) representatives of students attending designated institutions of higher education,
- (b) designated institutions of higher education or their representative bodies, and
- (c) such other bodies or persons as the Minister considers appropriate.”.

—Aodhán Ó Ríordáin.

42. In page 35, between lines 21 and 22, to insert the following:

“(b) the funding status of individual designated institutions of higher education;”.

—Aodhán Ó Ríordáin.

43. In page 35, line 37, to delete “in consultation” and substitute “following engagement”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

44. In page 35, line 37, to delete “consultation” and substitute “partnership”.

—Aodhán Ó Ríordáin.

45. In page 35, line 37, to delete “consultation” and substitute “collaboration”.

—Rose Conway-Walsh.

46. In page 36, line 1, to delete “in consultation” and substitute “following engagement”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

47. In page 36, line 1, to delete “consultation” and substitute “partnership”.

—Aodhán Ó Ríordáin.

48. In page 36, line 1, to delete “consultation” and substitute “collaboration”.

—Rose Conway-Walsh.

49. In page 37, between lines 8 and 9, to insert the following:

“(b) In developing a funding framework under *paragraph (a)*, An tÚdarás consult with the designated institutions of higher education or their representative bodies.”.

—Aodhán Ó Ríordáin.

50. In page 37, between lines 34 and 35, to insert the following:

“(6) Nothing in this section shall be construed as permitting an interference with the autonomous capacity of each designated institution of higher education to determine—

(a) which courses and programmes it develops and maintains, or

(b) the number of students that will be accommodated on any course or programme or within each designated institution of higher education.”.

—Aodhán Ó Ríordáin.

51. In page 38, line 19, after “*section 139*” to insert “or to adequately explain non-compliance in accordance with *section 139(7)**.”.

—Aodhán Ó Ríordáin.

*[*This is a reference to a subsection proposed to be inserted by Amendment No. 139.]*

52. In page 38, line 19, after “*section 139*” to insert “or to adequately explain non-compliance”.

—Rose Conway-Walsh.

53. In page 38, line 21, after “requirements,” to insert “and”.

—Aodhán Ó Ríordáin.

54. In page 38, line 22, to delete “thereunder, and” and substitute “thereunder.”.
—Aodhán Ó Ríordáin.
55. In page 38, to delete lines 23 and 24.
—Aodhán Ó Ríordáin.
56. In page 38, line 23, after “determined” to insert “, with the approval of the Board,”.
—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.
57. In page 38, line 24, after “Officer” to insert “, with the approval of the Board”.
—Rose Conway-Walsh.
58. In page 41, line 41, after “groups” to insert “and students who are competent to speak the Irish language”.
—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.
59. In page 42, line 3, after “groups” to insert “and students who are competent to speak the Irish language”.
—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.
60. In page 42, line 6, to delete “may” and substitute “shall”.
—Rose Conway-Walsh.
61. In page 42, between lines 19 and 20, to insert the following:
“(d) a summary of engagement with the students’ union and any proposals put forward by students and representatives of students to address issues of concerns referred to in *paragraph (a)*.”.
—Rose Conway-Walsh.
62. In page 42, line 23, after “groups” to insert “and representatives of students who are competent to speak the Irish language”.
—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.
63. In page 43, between lines 36 and 37, to insert the following:
“(e) the members of the staff of designated institutions of higher education or the trades unions or staff associations of those members of staff,”.
—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.
64. In page 43, after line 37, to insert the following:
“(f) trade unions,”.
—Rose Conway-Walsh.
65. In page 46, line 2, to delete “sustainable development” and substitute “environmental development and sustainability”.
—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

66. In page 59, in lines 23 and 24, to delete “is of opinion that there are significant concerns” and substitute “has serious, significant, or material concerns”.

—Aodhán Ó Ríordáin.

67. In page 59, line 27, after “*section 139*” to insert “or the adequacy of any explanation for non-compliance provided pursuant to *section 139(7)**”.

—Aodhán Ó Ríordáin.

[*This is a reference to a subsection proposed to be inserted by Amendment No. 139.]

68. In page 59, line 27, after “*section 139*” to insert “or the adequacy of any explanation for non-compliance”.

—Rose Conway-Walsh.

69. In page 60, line 24, after “may” to insert “, with the approval of the Board,”.

—Aodhán Ó Ríordáin.

70. In page 60, line 32, to delete “concerned” and substitute “concerned,”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

71. In page 60, line 34, after “of” where it secondly occurs to insert “a matter concerning”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

72. In page 60, line 36, to delete “*paragraph (a)* of”.

—Aodhán Ó Ríordáin.

73. In page 60, line 36, after “*(a)*” to insert “or *(c)*”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

74. In page 60, line 39, after “*66(2)*” to insert “or *68(2)*, as the case may be”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

75. In page 61, lines 3 to 7, to delete all words from and including “not” in line 3 down to and including line 7 and substitute the following:

“shall operate to stay the coming into operation of the measure pending the determination or discontinuance of the appeal.”.

—Aodhán Ó Ríordáin.

76. In page 61, between lines 13 and 14, to insert the following:

“(8) The bringing of an appeal by a designated institution of higher education against a determination of the Chief Executive Officer under *paragraph (c)* of *subsection (3)* shall have the effect of staying the operation of the determination until the appeal is determined or discontinued.”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

77. In page 61, after line 41, to insert the following:

“(4) A remedial or other measure proposed by the Chief Executive Officer under *subsection (3)* may be appealed by the designated institution of higher education concerned in accordance with *section 70* within the prescribed period after the service of a notice on that institution under *subsection (2)*.”

(5) The bringing of an appeal by a designated institution of higher education against a remedial or other measure proposed by the Chief Executive Officer under *subsection (3)* shall operate to stay the coming into operation of the measure pending the determination or discontinuance of the appeal.”.

—Aodhán Ó Ríordáin.

78. In page 62, line 2, to delete “*paragraph (a), (b) or (d)* of”.

—Rose Conway-Walsh.

79. In page 62, line 5, after “the” where it secondly occurs to insert “designated”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

80. In page 62, after line 39, to insert the following:

“(3) The appointment of a reviewer under *subsection (4)* may be appealed by the designated institution of higher education concerned in accordance with *section 70* within the prescribed period after the service of a notice on that institution under *subsection (2)*.”

(4) The bringing of an appeal by a designated institution of higher education against the appointment of a reviewer under *subsection (1)* shall operate to stay the appointment or result in a cessation of the work of the reviewer pending the determination or discontinuance of the appeal.”.

—Aodhán Ó Ríordáin.

81. In page 62, after line 39, to insert the following:

“(3) The appointment of a reviewer under *subsection (1)* may be appealed by the designated institution of higher education concerned in accordance with *section 69* within the prescribed period after the service of a notice on that institution under *subsection (2)*.”.

—Rose Conway-Walsh.

82. In page 63, line 29, to delete “or 65(4)” and substitute “65, 66, 67 or 69”.

—Aodhán Ó Ríordáin.

83. In page 63, line 29, to delete “or 65(4)” and substitute “65, 66 or 68”.

—Rose Conway-Walsh.

84. In page 63, to delete lines 34 to 37 and substitute the following:

“(a) one person having a special interest in or expertise in, or knowledge of, matters relating to higher education or the functions of An tÚdarás (other than a member

of the Board, a member of the staff of An tÚdarás, a public servant or a person employed or engaged by in institution of higher education),

- (b) one person with demonstrable expertise in, or knowledge of, matters relating to higher education at an international level (other than a member of the Board, a member of the staff of An tÚdarás, a public servant or a person employed or engaged by an institution of higher education), and”.

—Aodhán Ó Ríordáin.

85. In page 63, to delete lines 34 to 37 and substitute the following:

- “(a) one person having a special interest in or expertise in, or knowledge of, matter relating to higher education or the functions of An tÚdarás (other than a member of the Board, a member of the staff of An tÚdarás, a public servant or a person employed or engaged by an institution of higher education which is party to the appeal),
- (b) one person with demonstrable expertise in, or knowledge of, matters relating to higher education at an international level (other than a member of the Board, a member of the staff of An tÚdarás, a public servant or a person employed or engaged by an institution of higher education which is party to the appeal),”.

—Rose Conway-Walsh.

86. In page 66, to delete lines 19 to 35, and in page 67, to delete lines 1 to 39 and substitute the following:

“Composition of governing authority of university

73. The Act of 1997 is amended by the substitution of the following section for section 16:

- “16. (1) Subject to this Part, a governing authority, shall consist not less than 14 members and not more than 26 members as determined in accordance with this Chapter.
- (2) The members of a governing authority shall be—
 - (a) the chairperson, who shall be an external member, appointed by the governing authority,
 - (b) external members (including the chairperson) of the governing authority shall comprise not less than 40 per cent of its membership.
 - (c) the chief officer,
 - (d) internal members (other than the chief officer) appointed by the governing authority,
 - (e) not less than two student members elected by students,
 - (f) not less than one postgraduate student elected by the post-graduate students,

- (g) not less than one trade union representative of academic staff in the sector, nominated by the relevant trade union(s),
 - (h) not less than one trade union representative of non-academic staff in the sector, nominated by the relevant trade union(s).
- (3) The internal members of a governing authority shall be elected or selected for appointment as such internal members in accordance with regulations made under subsection (6).
- (4) Subject to subsection (5), with regard to the appointment of external members of a governing authority—
 - (a) three such members shall be nominated by the Minister, and
 - (b) at least six such members shall be appointed by the governing authority in accordance with a process for such appointments that is determined by the governing authority and approved by the Minister.
- (5) Before a person is nominated for appointment or appointed, as may be appropriate, as an external member of a governing authority of a university, the Minister or the governing authority of the university, as the case may be, shall be satisfied that the person is suitable for appointment as such an external member by reason of his or her possessing knowledge of, and experience in, matters connected with the objects and functions of the university to enable him or her to make a substantial contribution to the effective and efficient performance of those functions.
- (6) A governing authority shall, with the approval of the Minister, make such regulations relating to the selection, election, nomination or appointment of members of the governing authority as it thinks fit, and their selection, election, nomination or appointment shall be carried out in accordance with those regulations.
- (7) In performing functions under this section, the Minister and a governing authority shall have regard to the objectives that—
 - (a) not less than 40 per cent of the members of the governing authority shall be women and not less than 40 per cent of them shall be men,
 - (b) at least 20 per cent of members shall have a level B2 or higher of competency in spoken Irish on the Common European Framework of Reference for Languages (CEFR), and
 - (c) the membership of the governing authority shall broadly reflect the composition of Irish society, including persons who are competent in the Irish language.
- (8) In this section and in sections 16A, 17 and 23A—
 - ‘external member’, in relation to a governing authority, means a

member of the governing authority other than an internal member or a student member thereof;

‘internal member’, in relation to a governing authority, means a member of the governing authority who is a member of the academic council of the university, an employee of the university or a person who is remunerated under a contract with the university and, in the case of Trinity College, including fellows of Trinity College;

‘student member’, in relation to a governing authority, means a member of the governing authority who is a student of the university.”.”.

—Rose Conway-Walsh.

87. In page 66, line 22, to delete “17” and substitute “19”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

88. In page 66, line 27, to delete “eight” and substitute “nine”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

89. In page 66, line 32, to delete “two” and substitute “three”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

90. In page 67, line 4, to delete “six” and substitute “seven”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

91. In page 68, line 6, to delete “17” and substitute “19”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

92. In page 68, line 6, to delete “and”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

93. In page 68, line 10, to delete “not less than 40 per cent” and substitute “more than 40 per cent”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

94. In page 69, between lines 2 and 3, to insert the following:

“Autonomy of universities

75. (1) The Act of 1997 is amended in subsection (1) of section 14:

(a) in paragraph (a) by the deletion of “and” where it fourthly occurs,

(b) by the insertion of the following after paragraph (b):

“and

(c) have the autonomous capacity to determine all matters concerning the operation of the university and management of its affairs,”.

(2) The Act of 2018 is amended in subsection (1) of section 10:

- (a) in paragraph (a) by the deletion of “and” where it fourthly occurs,
- (b) in subparagraph (iii) of paragraph (b) by the substitution of “resources, and” for “resources.”, and
- (c) by the insertion of the following after paragraph (b):

“(c) have the autonomous capacity to determine all matters concerning the operation of the technological university and management of its affairs.”.”.

—Rose Conway-Walsh.

95. In page 69, to delete lines 3 to 15.

—Rose Conway-Walsh.

96. In page 69, line 35, after “university,” to insert the following:

“or in order to enable the provision of an adequate explanation for any non-compliance in accordance with *section 139(7)*.”.

—Aodhán Ó Ríordáin.

97. In page 71, line 25, to delete “A governing authority” and substitute “Subject to subsections (3) to (5), a governing authority”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

98. In page 72, between lines 16 and 17, to insert the following:

“(5) Notwithstanding paragraphs 4 and 5 of the Third Schedule, where the term of office of all or the majority of the members (including the chairperson) of a governing authority of a university expires by the effluxion of time during the period referred to in subsection (2), the Minister may, at the request of the governing authority of the university and if the members concerned so agree, extend the term of office of those members for such period (that is not longer than the period referred to in subsection (2)) as the Minister may determine to facilitate that governing authority to comply with that subsection.”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

99. In page 72, line 17, to delete “(5) In” and substitute “(6) In”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

100. In page 72, line 28, to delete “governing authority” and substitute “chief officer”.

—Aodhán Ó Ríordáin.

101. In page 78, line 31, to delete “subsection” and substitute “subsections”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

102. In page 79, line 14, after “university,” to insert the following:

“or in order to enable the provision of an adequate explanation for any non-

compliance in accordance with *section 139(7)**.”.

—Aodhán Ó Ríordáin.

*[*This is a reference to a subsection proposed to be inserted by Amendment No. 139.]*

103. In page 79, line 14, after “university,” to insert “or in order to enable the provision of an adequate explanation for any non-compliance”.

—Rose Conway-Walsh.

104. In page 79, to delete lines 34 to 38, to delete page 80, and in page 81, to delete lines 1 to 28 and substitute the following:

“Membership of governing body of technological university

90. The Act of 2018 is amended by the substitution of the following section for section 12:

“12. (1) Subject to this Part, a governing authority, shall consist not less than 14 members and not more than 26 members as determined in accordance with this Chapter.

(2) The members of a governing body shall be—

(a) the chairperson, who shall be an external member, appointed by the governing authority,

(b) external members (including the chairperson) of the governing authority shall comprise not less than 40 per cent of its membership.

(c) the president,

(d) internal members (other than the president) being—

(i) not less than 3 members of the academic staff of the technological university, elected by the academic staff of the technological university,

(ii) not less than one member of the non-academic staff of the technological university, elected by the non-academic staff of the technological university, and

(iii) not less than one member of the academic or non-academic staff of the technological university, elected by the academic and non-academic staff of the technological university,

(e) not less than two student members elected by students,

(f) not less than one postgraduate student elected by the post-graduate students,

(g) not less than one trade union representative of academic staff in the sector, nominated by the relevant trade union(s), and

(h) not less than one trade union representative of non-academic staff

in the sector, nominated by the relevant trade union(s).

- (3) The internal members of a governing body shall be elected for appointment as such internal members in accordance with regulations made under subsection (7).
- (4) Subject to subsection (5), with regard to the appointment of external members of a governing body—
 - (a) 3 such members shall be nominated by the Minister, and
 - (b) at least 6 such members shall be appointed by the governing authority in accordance with a process for such appointments that is determined by the governing authority and approved by the Minister.
- (5) Before a person is nominated for appointment or appointed, as may be appropriate, as an external member of a governing body of a technological university, the Minister or the governing body of the technological university, as the case may be, shall be satisfied that the person is suitable for appointment as such an external member by reason of his or her possessing knowledge of, and experience in, matters connected with the objects and functions of the technological university to enable him or her to make a substantial contribution to the effective and efficient performance of those functions.
- (6)
 - (a) The term of office of a member of the governing body, other than the president, shall not exceed 4 years and such a member may not serve more than 2 consecutive terms of office.
 - (b) A member of the governing body who is a student at the technological university shall hold office for such period, not exceeding one year, as the governing body may determine but may be re-elected for a further period not exceeding one year.
- (7) A governing body shall, with the approval of the Minister, make such regulations relating to the selection, election, nomination or appointment of members of the governing body as it thinks fit, and their selection, election, nomination or appointment shall be carried out in accordance with those regulations.
- (8) In performing functions under this section, the Minister and a governing body shall have regard to the objectives that—
 - (a) not less than 40 per cent of the members of the governing body shall be women and not less than 40 per cent of them shall be men,
 - (b) the membership of the governing body shall take account of the different locations of the campuses of the technological university,
 - (c) at least 20 per cent of members shall have a level B2 or higher of competency in spoken Irish on the Common European Framework of Reference for Languages (CEFR), and

(d) the membership of the governing body shall broadly reflect the composition of Irish society, including persons who are competent in the Irish language.

(9) In this section—

‘external member’, in relation to a governing body, means a member of the governing body other than an internal member or a student member thereof or a member of the academic council of the technological university;

‘internal member’, in relation to a governing body, means a member of the governing body who is a member of the staff of the technological university or a person who is remunerated under a contract with the technological university;

‘student member’, in relation to a governing body, means a member of the governing body who is a student at the technological university.”.”.

—Rose Conway-Walsh.

105.In page 79, line 37, to delete “17” and substitute “19”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

106.In page 80, line 5, to delete “8” and substitute “9”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

107.In page 80, line 18, to delete “2” and substitute “3”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

108.In page 80, line 25, to delete “6” and substitute “7”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

109.In page 81, line 38, to delete “A governing body” and substitute “Subject to subsections (3) to (6), a governing body”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

110.In page 82, between lines 31 and 32, to insert the following:

“(5) (a) Nothing in this section shall operate to terminate the term of office of a member of a governing body of a technological university who was, before the relevant date, appointed or elected as such member under section 55 if he or she wishes to serve the unexpired term for which he or she was so appointed or elected and notwithstanding that he or she is not re-appointed as such member pursuant to subsection (2)(b).

(b) A member of a governing body of a technological university referred to in paragraph (a) shall not be reckoned in the number of members of a governing body of a technological university specified in section 12 (inserted by *section 90*) during any part of

his or her term of membership of the governing body which, but for this subsection, would have ceased.

- (6) Notwithstanding section 12(6) and paragraph 4 of Schedule 1, where the term of office of all or the majority of the members of a governing body (including the chairperson thereof) of a technological university expires by the effluxion of time during the period referred to in subsection (2), the Minister may, at the request of the governing body of the technological university and if the members concerned so agree, extend the term of office of those members for such period (that is not longer than the period referred to in subsection (2)) as the Minister may determine to facilitate that governing body to comply with that subsection.”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

111. In page 82, line 32, to delete “(5) In” and substitute “(7) In”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

112. In page 86, to delete lines 37 to 43, and in page 87, to delete lines 1 and 2 and substitute the following:

“(f) whether the applicant higher education provider—

- (i) has, under section 28 of the Act of 2012, established procedures in writing for quality assurance in relation to which the Qualifications and Quality Assurance Authority of Ireland—

(I) has approved those procedures under the Act of 2012,

(II) has not proposed by notice under section 36(1) of that Act to withdraw that approval, and

(III) has not withdrawn that approval under section 36 of that Act,

or

- (ii) if the applicant higher education provider is a linked provider within the meaning of the Act of 2012, has, under section 28 of that Act, established procedures in writing for quality assurance in relation to which a relevant designated awarding body within the meaning of that Act—

(I) has approved those procedures under the Act of 2012,

(II) has not proposed by notice under section 39(1) of that Act to withdraw that approval, and

(III) has not withdrawn that approval under section 39 of that Act;”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

113. In page 88, line 24, after “appeal,” to insert “and”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

114. In page 90, line 11, to delete “section;” and substitute “section.”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

115. In page 90, line 21, to delete “that is”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

116. In page 90, line 22, after “44F,” to insert “that”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

117. In page 92, between lines 28 and 29, to insert the following:

“Amendment of section 62 of Act of 2018

103. Section 62 of the Act of 2018 is amended by the addition of the following subsection:

“(3) Where an order has been made under section 44F, and a process that may result in the suspension or dismissal of a member of staff of the applicant higher education provider specified in the order has, before the appointed day, been commenced but not completed immediately before that day in accordance with procedures made or conditions determined by that applicant higher education provider, the process may, on or after that day, be continued by the technological university under procedures made or conditions determined by it, and the technological university may suspend or dismiss the member of staff in accordance with such procedures and conditions.”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

118. In page 94, line 8, to delete “17” and substitute “19”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

119. In page 94, line 14, to delete “8” and substitute “9”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

120. In page 94, line 24, to delete “2” and substitute “3”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

121. In page 94, line 31, to delete “6” and substitute “7”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

122. In page 96, line 3, to delete “A governing body” and substitute “Subject to subsections (3) to (5), a governing body”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

123. In page 96, between lines 34 and 35, to insert the following:

“(5) Notwithstanding section 6(8) and paragraph 4 of the Second Schedule, where the term of office of all or the majority of the members of a governing body (including the chairman thereof) of a college expires by the effluxion of time during the period referred to in subsection (2), the Minister may, at the request of the governing body of the college and if the members concerned so agree, extend the term of office of those members for such period (that is not longer than the period referred to in subsection (2)) as the Minister may determine to facilitate that governing body to comply with that subsection.”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

124. In page 96, line 35, to delete “(5) In” and substitute “(6) In”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

125. In page 106, lines 13 and 14, to delete “Academic Council” and substitute “academic council”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

126. In page 108, line 2, to delete “Academic Council” and substitute “academic council”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

127. In page 108, line 3, to delete “Academic Council” and substitute “academic council”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

128. In page 109, line 29, to delete “substitution” and substitute “insertion”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

129. In page 113, line 14, after “2012,” to insert “and”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

130. In page 113, lines 15 and 16, to delete “and cultural” and substitute “, cultural and Irish language”.

—Rose Conway-Walsh.

131. In page 118, line 13, after “of” to insert “affordable”.

—Rose Conway-Walsh.

132. In page 118, to delete lines 20 to 35 and substitute the following:

“PART 15

AMENDMENT OF STUDENT SUPPORT ACT 2011 AND RELATED PROVISIONS

Awarding and payment of bursaries and scholarships to students

131. (1) The Minister may if he or she considers it appropriate to do so, as respects bursaries

and scholarships for students for the purpose of assisting such students to pursue approved courses at approved institutions and if so requested by a person who established or is responsible for a bursary scheme or scholarship scheme, administer or, as may be appropriate, assist with the administration of—

- (a) the identification of students who are eligible for such bursaries and scholarships,
- (b) the awarding of such bursaries and scholarships to students, and
- (c) the payment of such bursaries and scholarships to students,

in accordance with the terms of the bursary scheme or scholarship scheme, as the case may be, concerned.

- (2) If and to the extent that the Minister considers it appropriate to do so, the functions of the Minister under *subsection (1)* may be performed by an awarding authority within the meaning of the Act of 2011.

- (3) In this section—

- (a) “approved course”, “approved institution”, “bursary scheme”, “scholarship scheme” and “student” have the respective meanings they have in the Act of 2011, and
- (b) “bursary” and “scholarship” have the respective meanings they have in the Act of 2011, subject to the modification that the money in respect of a bursary or scholarship may be paid to a student by the Minister or an awarding authority within the meaning of that Act.”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

133. In page 118, to delete lines 36 to 39 and substitute the following:

“Amendment of section 2 of Act of 2011

132. Section 2 of the Act of 2011 is amended by the insertion of the following definitions:

“ ‘bursary’ means money paid by an awarding authority to a student, or to an approved institution on behalf of the student, for the purpose of assisting the student to pursue an approved course at the approved institution, where the money is provided from a fund established pursuant to a bursary scheme;

‘bursary scheme’ means a scheme established, by way of a trust or other instrument, for the purposes of providing financial support to students falling into all or any of the following groups to assist them to participate in further education or higher education:

- (a) students who are economically or socially disadvantaged;
- (b) students who have a disability;
- (c) students who are from sections of society significantly under-represented in the student body;

‘scholarship’ means money paid by an awarding authority to a student, or to an approved institution on behalf of the student, for the purpose of assisting the student to pursue an approved course at the approved institution, where the money is provided from a fund established pursuant to a scholarship scheme;

‘scholarship scheme’ means a scheme established, by way of a trust or other instrument, for the purposes of providing financial support to students who demonstrate the level of educational attainment (if any) required by the scheme and who fall into all or any of the following groups to assist them to participate in further education or higher education:

- (a) students who are economically or socially disadvantaged;
- (b) students who have a disability;
- (c) students who are from sections of society significantly under-represented in the student body;”.”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

134. In page 118, after line 39, to insert the following:

“Amendment of section 12 of Act of 2011

133. Section 12 of the Act of 2011 is amended—

- (a) in subsection (1), by the insertion of the following paragraph after paragraph (c):

“(ca) keep all proper and usual accounts of moneys received by it or expenditure of such moneys incurred by it in relation to bursaries and scholarships,”,

- (b) by the insertion of the following subsection after subsection (1):

“(1A) An awarding authority shall, as respects a bursary scheme or scholarship scheme, whenever requested to do so by the Minister administer or, as may be appropriate, assist with the administration of—

- (a) the identification of students who are eligible for bursaries or scholarships under the bursary scheme or scholarship scheme, as the case may be, concerned,
- (b) the awarding of such bursaries or scholarships to students, and
- (c) the payment, out of funds provided by the person who established or is responsible for the bursary scheme or scholarship scheme, as the case may be, concerned to the awarding authority for that purpose, of such bursaries or scholarships to the students to whom awards are made or to an approved institution on behalf of such students,

in accordance with the terms of the bursary scheme or scholarship scheme, as the case may be, concerned.”, and

- (c) in subsection (3), by the insertion of “, bursaries or scholarships” after “as respects grants”.”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

135. In page 118, after line 39, to insert the following:

“Amendment of section 28 of Act of 2011

134. Section 28 of the Act of 2011 is amended—

- (a) in subsection (1), by the substitution of “the first named person is satisfied that the data or information will be used only for a relevant purpose as respects a grant” for “the first name person is satisfied that it will be used for a relevant purpose only”,
- (b) in subsection (2), by the substitution of “a person so listed or prescribed will further the attainment of a relevant purpose as respects a grant” for “a person so listed or prescribed will further the attainment of a relevant purpose”,
- (c) by the insertion of the following subsection after subsection (2):
 - “(2A) Notwithstanding anything contained in any enactment (other than the Act of 2018), the controller of a person listed in Schedule 3, or of a person prescribed for the time being under subsection (2B) (in this subsection called ‘the first named person’), shall on being requested to do so by the controller of a person so listed or prescribed, process personal data kept by the first named person, or information extracted from such data, for the controller of the other person so listed or prescribed for the time being, if the controller of the first named person is satisfied that the data or information will be used only for a relevant purpose as respects a bursary or scholarship.
 - (2B) If a person (not being a person listed in Schedule 3 or prescribed for the time being under this subsection) keeps personal data that are relevant to the functions of an awarding authority under section 12(1A), and the Minister considers that the supply of those data by the person not so listed or prescribed to a person so listed or prescribed will further the attainment of a relevant purpose as respects a bursary or scholarship, then, the Minister following consultation with the Data Protection Commission, may prescribe that person for the purposes of subsection (2A).”.
- (d) in subsection (3), by the substitution of “for the purposes of subsection (1) or (2A) shall go no further than is necessary” for “for the purposes of subsection (1) shall go no further than is reasonably necessary”,
- (e) in subsection (4), by the insertion of “or (2A)” after “a request under subsection (1)”, and

(f) in the definition of “relevant purpose” in subsection (5)—

(i) in paragraph (a), by the insertion of “, bursary or scholarship, as the case may be” after “is eligible for a grant”, and

(ii) in paragraph (d), by the insertion of “, bursaries and scholarships” after “the payment of grants”.”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

136. In page 118, after line 39, to insert the following:

“Schedule 3 to Act of 2011

135. The Act of 2011 is amended by the insertion of the following Schedule after Schedule 2:

“SCHEDULE 3

Section 28

1. The Minister.
2. The Minister for Education.
3. An awarding authority.
4. The State Examinations Commission.”.”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

137. In page 121, between lines 15 and 16, to insert the following:

“(f) trade unions,”.

—Rose Conway-Walsh.

138. In page 121, to delete lines 17 and 18.

—Aodhán Ó Ríordáin.

139. In page 121, between lines 25 and 26, to insert the following:

“(7) Where a designated institution of higher education departs from guidelines, codes or policies prepared under *subsection (1)*, the designated institution of higher education shall be afforded an opportunity to provide an explanation as to—

- (a) which parts of the guidelines, codes or policies it departs from,
- (b) the extent of any such departures,
- (c) the reasons for such departure or non-application of the said guidelines, codes or policies.”.

—Aodhán Ó Ríordáin.

140. In page 121, between lines 25 and 26, to insert the following:

“(7) Where a designated institution of higher education departs from guidelines, codes or

policies prepared under *subsection (1)*, the designated institution of higher education shall be afforded an opportunity to provide an explanation as to—

- (a) which parts of the guidelines, codes or policies it departs from,
 - (b) the extent of any such departures,
 - (c) the reasons for such departure or non-application of the said guidelines, codes or policies.
- (8) The operation of *subsection (7)* is without prejudice to the exercise of powers provided for in *Part 8*.”.

—Rose Conway-Walsh.

141. In page 121, between lines 25 and 26, to insert the following:

“Ministerial directions

140. (1) Subject to the requirements of this section, the Minister may give a direction in writing to An tÚdarás to prepare guidelines, codes or policies under *section 139(1)*.

(2) The Minister shall, in the interests of procedural fairness, give a notice in writing to An tÚdarás to which is attached a draft of the direction concerned stating that—

- (a) the Minister is minded to give that direction to An tÚdarás, and
- (b) An tÚdarás may, if it wishes to do so, within the period specified in the notice (being a period of not less than four weeks from the giving of the notice) make submissions in writing to the Minister on the direction.

(3) Where the Minister receives submissions referred to in *subsection (2)* before the expiration of the period referred to in that subsection, he or she may, after having regard to those submissions—

- (a) give the direction concerned to An tÚdarás with such revisions to the direction as the Minister considers are warranted in view of those submissions,
- (b) give the direction concerned to An tÚdarás without any revisions to the direction if the Minister considers that no such revisions are warranted in view of those submissions and stating the reasons therefor, or
- (c) decline to give the direction concerned to An tÚdarás if the Minister considers that—
 - (i) in view of those submissions, the direction is not warranted, or
 - (ii) for any other reason, the direction is no longer warranted.

(4) Where the Minister receives no submissions referred to in *subsection (2)* before the expiration of the period referred to in that subsection, he or she may—

- (a) give the direction concerned to An tÚdarás, or
- (b) decline to give the direction concerned to An tÚdarás if the Minister considers that, for any reason, the direction is no longer warranted.

- (5) The Minister shall cause a direction under this section to be published on a website of the Government at the same time as it is given to An tÚdarás or as soon as is practicable thereafter being a time which is not later than the next business day following the date on which it is given to An tÚdarás.
- (6) Where a direction has been duly issued under this section An tÚdarás shall comply with the direction.”.

—Aodhán Ó Ríordáin.

142. In page 123, after line 15, to insert the following:

“Part 2

ENACTMENTS REVOKED

Statutory Instrument number and year (1)	Citation (2)	Extent of revocation (3)
S.I. No. 58 of 1973	Higher Education Authority Act 1971 (Designation of Institution of Higher Education) Regulations 1973	The whole statutory instrument
S.I. No. 208 of 1976	Higher Education Authority Act 1971 (Designation of Institution of Higher Education) Regulations 1976	The whole statutory instrument
S.I. No. 295 of 1976	Higher Education Authority Act 1971 (Designation of Institution of Higher Education) (No. 2) Regulations 1976	The whole statutory instrument
S.I. No. 287 of 1978	Higher Education Authority Act 1971 (Designation of Institution of Higher Education) Regulations 1978	The whole statutory instrument
S.I. No. 423 of 1979	Higher Education Authority Act 1971 (Designation of Institution of Higher Education) Regulations 1979	The whole statutory instrument

”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

143. In page 127, line 32, after “committee,” to insert “and”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

144. In page 128, line 3, after “Minister,” to insert “or”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

145.In page 131, to delete lines 24 to 26 and substitute the following:

“

		In section 15(1), the deletion of “Subject to section 21,”.
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”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

146.In page 131, to delete lines 28 to 31 and substitute the following:

“

		(a) the substitution of “chairperson of the Board” for “Chairman” wherever it occurs in subsection (2),
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”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

147.In page 131, to delete lines 34 to 38 and substitute the following:

“

		(c) in subsection (7), the deletion of—
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”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

148.In page 131, to delete lines 44 to 47 and substitute the following:

“

		(a) in paragraph (a), the insertion of “and” after “by the Government,”.
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”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

149. In page 132, between lines 34 and 35, to insert the following:

“

No. 26 of 2005	Social Welfare Consolidation Act 2005	In the definition of “institution of education” in section 148(2)— (a) the substitution of the following paragraph for paragraph (d):
		“(d) a designated institution of higher education within the meaning of the <i>Higher Education Authority Act 2022</i> that falls under paragraph (a) of section 53(1) of that Act,”
		(b) the deletion of paragraphs (b), (c), (f) and (g), and
		(c) the substitution of the following paragraph for paragraph (h):
		“(h) any institution which is not an institution for the purposes of paragraph (a) or (d) and which is an ‘approved institution’ within the meaning of the Student Support Act 2011 and falls under paragraph (d), (e), (f) or (g) of section 7(1) of that Act, or”.

No. 6 of 2009	Charities Act 2009	In the definition of “education body” in section 2(1), the substitution of the following paragraph for paragraph (f):
		“(f) a designated institution of higher education within the meaning of the <i>Higher Education Authority Act 2022</i> that falls under paragraph (a) of section 53(1) of that Act, or”.

”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

150.In page 133, between lines 24 and 25, to insert the following:

“

No. 40 of 2013	Child and Family Agency Act 2013	In the definition of “public body” in section 2, the substitution of the following paragraph for paragraph (i):
		“(i) a designated institution of higher education within the meaning of the <i>Higher Education Authority Act 2022</i> that falls under paragraph (a) of section 53(1) of that Act and that is also a funded body within the meaning of that Act;”.

No. 40 of 2013	Child and Family Agency Act 2013	In the definition of “public body” in section 2, the substitution of the following paragraph for paragraph (i):
No. 14 of 2014	Protected Disclosures Act 2014	In the definition of “public body” in section 3(1), the substitution of the following paragraph for paragraph (i):
		“(i) a designated institution of higher education within the meaning of the Higher Education Authority Act 2022 that falls under paragraph (a) of section 53(1) of that Act and that is also a funded body within the meaning of that Act;”.

”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

151.In page 133, to delete lines 36 to 45 and substitute the following:

“

		“(3) The governing body, comprising the president and persons appointed under subsection (2), shall within 6 months of the appointed day comply with section 12(4), (7) and (8).”.
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”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

152.In page 134, to delete lines 3 to 10 and substitute the following:

“

		(b) in paragraph (b) of subsection (4), the substitution of “appointed under section 12(2)(b) or (d)” for “elected under section 12 (1)(c), (d) or (e) or 12 (2)(c), (d) or (e) or appointed under 12 (1)(h) or 12 (2)(h)”, and
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”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

153.In page 134, to delete lines 11 to 15 and substitute the following:

“

		(c) in paragraph (b) of subsection (5), the substitution of “section 12(6) (b)” for “section 12(3)(b)”.
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—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.

154. In page 134, after line 15, to insert the following:

“

S.I. No. 230 of 2018	European Communities (Reception Conditions) Regulations 2018	In Schedule 6, the substitution of the following paragraph for paragraph (j)
		“(j) a designated institution of higher education within the meaning of the <i>Higher Education Authority Act 2022</i> that falls under paragraph (a) of section 53(1) of that Act and that is also a funded body within the meaning of that Act.”.

”.

—An tAire Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta.